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8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 LORD & SONS, INC.,

Case No. C07-05496 EMC

13 Plaintiff,

**PLAINTIFF LORD & SONS, INC.'S EX
 PARTE APPLICATION TO CONTINUE
 CASE MANAGEMENT CONFERENCE**

14 v.

15 WILLIAM J. THOMPSON; TOMARCO
 CONTRACTOR SPECIALTIES, INC.;
 16 TOMARCO FASTENING SYSTEMS;
 CONSTRUCTION ENGINEERED
 17 ATTACHMENT SOLUTIONS; HEAD
 FIRST PRODUCTS INC.,

18 Defendants.

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 Pursuant to Civil Local Rule 7-10 and Paragraph 4 of the Court's March 1, 2007 Standing
 Order regarding Case Management Conferences, plaintiff Lord & Sons, Inc. ("Lord & Sons")
 hereby submits this application to continue the Case Management Conference currently set for
 February 6, 2008.

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DISCUSSION

21 Plaintiff Lord & Sons is a California corporation, with its principal place of business at
 22 430 East Trimble Road, San Jose, California. Declaration of Michael A. Sands In Support of
 23 Plaintiff's Ex Parte Application to Continue Case Management Conference ("Sands Decl.") ¶ 2.
 24 Defendants are William J. Thompson, an individual, and several corporate entities engaged in the

**PLAINTIFF'S EX PARTE APPLICATION
 TO CONTINUE CMC**

CASE NO. C07-05496 EMC

1 business of manufacturing and supplying fastening systems and other construction products to the
 2 construction industry. Sands Decl. ¶¶ 3-6. Defendant Thompson is the sole named inventor on
 3 United States Design Patent No. D528,900 (“the ‘900 Patent”), which claims a design for a
 4 certain type of construction fastener. Sands Decl. ¶ 3.

5 On October 29, 2007, Lord & Sons filed the instant action seeking a declaration of the
 6 noninfringement and invalidity of the ‘900 Patent, and provided a courtesy copy of the Complaint
 7 in this case to counsel for Defendants. Sands Decl. ¶ 7. The parties then began negotiations in an
 8 attempt to resolve their dispute without the need for active litigation. Sands Decl. ¶ 8. Those
 9 negotiations have been productive, and Lord & Sons expects that a full settlement will be
 10 finalized in the near future and will likely include a dismissal of this case. *Id.* Hopeful that such
 11 a result can be reached and the need to pursue this action avoided, Lord & Sons has not yet
 12 formally served the Complaint on Defendants and requests that the February 6, 2008 Case
 13 Management Conference be continued to allow the parties time to conclude their settlement.
 14 Sands Decl. ¶ 9.

15 CONCLUSION

16 For the reasons set forth herein, Lord & Sons respectfully requests that this Court continue
 17 the Case Management Conference currently set for February 6, 2008 to a date not earlier than
 18 March 26, 2008.

19
 20 Dated: January 24, 2008

FENWICK & WEST LLP

21
 22 By: _____ /s/
 23 Michael A. Sands

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 25 Attorneys for Plaintiff
 26 LORD & SONS, INC.

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